

**BILL #** SB 1412

**TITLE:** biological evidence; retention; preservation

**SPONSOR:** Huppenthal

**STATUS:** Senate Engrossed

**PREPARED BY:** Jon McAvoy

## **FISCAL ANALYSIS**

### **Description**

SB 1412 would require all identified biological evidence that is secured in connection with a felony sexual offense or homicide to be retained for the period of time that the offender is incarcerated for that crime or for 55 years after the crime has been declared a cold case.

### **Estimated Impact**

SB 1412 would have a minimal state fiscal impact as state run crime labs do not store biological evidence beyond small representative samples from the crime scene. The bill, however, would generate a cost for cities and counties that are charged with storing bulk biological evidence. The magnitude of the additional costs for the cities and counties cannot be determined in advance.

The Department of Public Safety (DPS) does not have a specific estimate for this bill, but does not believe the state costs or savings will be significant since DPS only stores small representative samples of the crime scene.

### **Analysis**

SB 1412 would require the appropriate government entities to store representative samples and bulk evidence from a crime scene and preserve them in a condition suitable for DNA testing for 55 years or as long as the offender is incarcerated for homicide and sexual offenses. Currently DPS, along with local crime labs and sheriffs' offices, store representative samples, while only the local crime labs and sheriffs' offices store bulk evidence. Representative samples are small cuttings from the crime scene that contain biological evidence.

Since DPS is not responsible for storing bulk evidence, the only impact on the state would be from the storage of the representative samples of the crime scene. DPS, along with the most local government agencies, already store its representative samples for a period of 99 years. As a result, the bill will reduce storage time by 44 years for cold cases and, according to the Department of Corrections, 81 years for homicides and felony sexual assaults in which a conviction has been obtained.

DPS was unable to provide an exact cost estimate as to the price of storing the representative samples, but due to their small size, there is a minimal state savings associated with the decreased amount of time required for storage. Since DPS does not store bulk evidence, all costs associated with bulk evidence storage would be incurred by local governments.

### **Local Impact**

The bill would generate additional costs for the cities and counties charged with storing biological evidence, but the magnitude of the additional costs cannot be determined in advance. The local governments responsible for biological evidence storage could not provide specific cost related data; however, the costs associated with the bill would be derived from the additional storage space needed to store bulk evidence, type of storage required for each piece of evidence (normal storage versus refrigerated storage), and the number of years each crime lab or sheriffs office currently stores the evidence.